

RESPONSE TO OFFICE ACTION

Application No. 11/711,775

Confirmation No.: 5774

Examiner: Westerberg, Nissa M.

Art Unit: 1609

Applicant: Gupta, Shyam K

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Total Number of Pages (including this page): 18

RESPONSE

DETAILED ACTION

Elections / Restrictions

1. This response is entered without traverse.

Status of Claims

2. To comply with Examiner action and suggestions the claims have been entered as follows. The details are further entered in the sections that follow.

Claim 1 and 2 are currently amended.

Claims 3 to 5 are canceled.

Claim 6 is currently amended.

Claims 7 to 9 are canceled

Claims 10 and 11 are currently amended.

Claims 12 to 22 are canceled.

Claims 23 to 39 are Currently Amended.

Specification

1. The contents of the Specification have been adjusted in accordance to Examiner suggestions and requirement. Paragraphs 97 to 110 in the SPECIFICATION document are reflective of those changes.
The corrected Specification is attached.

Drawings.

2. The drawings have been corrected according to the Examiner action and suggestions. The specific actions taken by the Applicant relative to said corrections are described under “Additional Action by the Applicant” section below. In summary, the following action is taken by the Applicant.

Claims 1 and 2 are currently amended.

Claims 3 to 5 are canceled.
Claim 6 is currently amended.
Claims 7 to 9 are canceled
Claims 10 and 11 are currently amended.
Claims 12 to 22 are canceled.
Claims 23 to 39 are Currently Amended.

Claim Objections

3. Claim 25 has been corrected in view of Examiner comment and requirement. Claim 25 (Currently Amended) reflects the changes requested by the Examiner.

Claim Rejections – 35 USC § 112 2nd

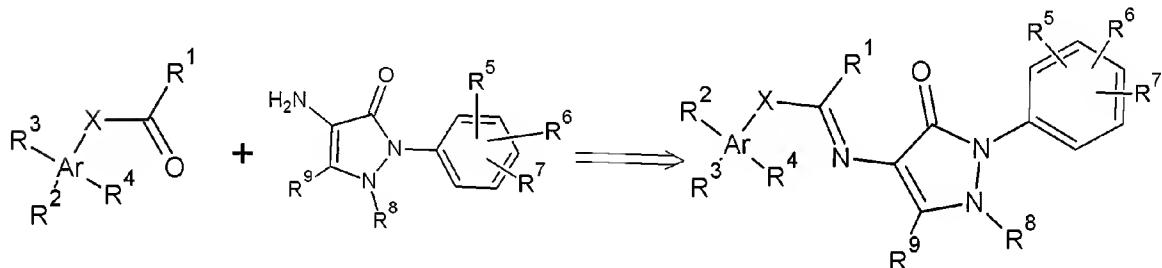
4. Claim 1 (Currently Amended) distinctly points out the subject matter of this invention.
5. Claim 2 has been corrected to accommodate the Examiner comment. Claim 2 (Currently Amended) reflects changes thus made.

Claim Rejections – 35 USC § 112

6. The patent publication quoted by the Examiner does not apply to the subject matter of present invention, as shall be described further in Section 7.
7. Möller et al. (WO 03/030845 A1, published April 17, 2003) does not relate to the subject matter of the present invention. Möller et al. describes a combination of aromatic or heteroaromatic aldehydes and/or ketones with a second compound, for example, 4-Aminopyrazoline-5-one, which are useful as coloring agents, for example for hair. This, at best, is a cosmetic benefit that does not alter the biological function of a living cell. The present invention claims, for example, hydroxy

aromatic or heteroaromatic ketones for MMP inhibition, which causes an alteration in cellular biology – hence a drug application. Hydroxy aromatic or heteroaromatic ketones are used alone, and not in combination with any other agents such as 4-Aminopyrazoline-5-one of Möller teachings.

Additionally, those versed in the art will immediately recognize that hair coloring benefit of Möller teachings is actually obtained from the chemical reaction product of the two agents used in combination - a combination of aromatic or heteroaromatic aldehydes and/or ketones with a second compound, for example, 4-Aminopyrazoline-5-one, which is expected to form a Schiff's base derivative, a coloring agent, from the well known chemical reaction noted below.



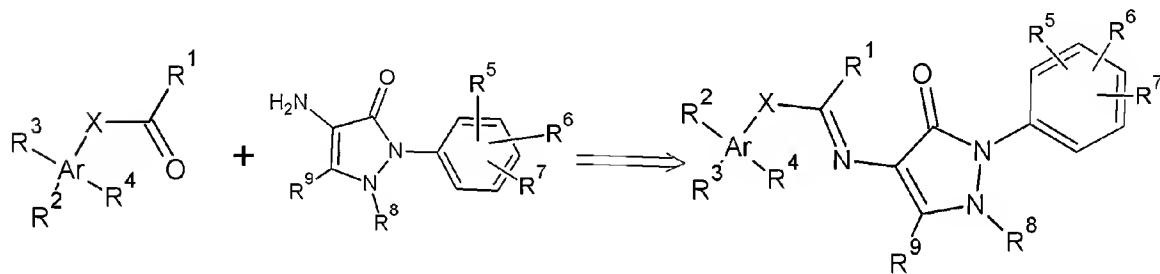
Hair Colorant Reaction Product from Moller Combination of Chemical Entities

Claim Rejections – 35 USC § 103

8. As stated in Section 7 above, Möller et al. (WO 03/030845 A1, published April 17, 2003) does not relate to the subject matter of the present invention. Möller et al. describes a combination of aromatic or heteroaromatic aldehydes and/or ketones with a second compound, for example, 4-Aminopyrazoline-5-one, which are useful as coloring agents, for example for hair. This, at best, is a cosmetic benefit that does not alter the biological function of a living cell. The present invention claims, for example, hydroxy aromatic or heteroaromatic ketones for MMP inhibition, which causes an alteration in cellular biology – hence a drug application. Hydroxy aromatic or heteroaromatic ketones are used alone, and

not in combination with any other agents such as 4-Aminopyrazoline-5-one of Möller teachings.

Additionally, those versed in the art will immediately recognize that hair coloring benefit of Möller teachings is actually obtained from the chemical reaction product of the two agents used in combination - a combination of aromatic or heteroaromatic aldehydes and/or ketones with a second compound, for example, 4-Aminopyrazoline-5-one, which is expected to form a Schiff's base derivative, a coloring agent, from the well known chemical reaction noted below.



Hair Colorant Reaction Product from Moller Combination of Chemical Entities

Moller compositions can also contain metal ions such as copper, zinc, iron, and manganese. However, these ions must be present when an aromatic or heteroaromatic aldehydes and/or ketone and a second compound, for example, 4-Aminopyrazoline-5-one, are both also present. The metal ions in the presence of only an aromatic or heteroaromatic aldehydes and/or ketone do not provide the same benefits for hair coloring as when both an aromatic or heteroaromatic aldehyde and/or ketone and a second compound, for example, 4-Aminopyrazoline-5-one, are also present.

Conclusion

The Moller teachings do not relate to the teachings of the present invention in any regard.